

1/23/2002

Comments directed to the Microsoft Anti-trust hearings.

Renata Hesse  
Trial Attorney  
Suite 1200  
Antitrust Division

I would like to take issue with the proposed settlement between the DOJ and Microsoft. If I understand it correctly, it provides:

- No real remedies for the monopoly behavior that Microsoft has exhibited.
- Seemingly makes it legal for them to continue such behavior in the future.
- Provides some penalties which would only increase Microsoft's foothold as a computer monopoly.

It would seem to me that any settlement with Microsoft should contain the following provisions:

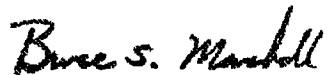
- 1) Microsoft should be required to publish the document file formats and specifications for the files used within their programs. This will allow other program developers to create software that can access these files, thus preventing Microsoft from developing software applications that can lock in companies to using only Microsoft applications.
- 2) Microsoft must also publish the protocols it wishes to use on the Internet thus keeping the internet open for all users and prevent the 'takeover' by Microsoft by using its own protocols. An example of this is my local library. At the moment I can only access the on-line capabilities of the library by using Microsoft's Internet Explorer browser. The library uses Microsoft software to create its web pages. Those web pages can only be accessed with a Microsoft browser, thus locking other browsers out and locking people into using Microsoft software.
- 3) Microsoft must be prevented from tying its software in to the sales of computers. I have many copies of Microsoft's Windows operating system that I was forced to pay for because the computer manufacturers were forced by economic and other means to sell the systems with their computers. The software and the computers must be available separately and priced commensurate with the value of each.

If I understand what I have read in the news, one of the 'penalties' of the settlement is that Microsoft is to provide 1 billion dollars worth of software to educational institutions. The facts of this are that a) the cost to Microsoft of a software package that sells for say, \$500 might be \$5 and b) providing all this software to schools will only provide a further monopoly in the training of future computer users in Microsoft software. Thus the cost to Microsoft for this penalty

will be very low and it will provide major benefits to Microsoft in advertising and future sales of their software.

I feel very strongly that the DOJ has failed in its attempt to bring a resolution to the problems of Microsoft. It appears to me that they have played right into Microsoft's hands and this is a dream settlement for Microsoft. As a consumer who has been harmed by these issues, I hope that the DOJ will reconsider the settlement.

Thank you,

A handwritten signature in black ink that reads "Bruce S. Marshall". The signature is written in a cursive style with a large, stylized 'B' and 'M'.

Bruce Marshall  
8736 Bliss Road  
Bellaire, MI 49615